

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

ALAN GOLDMAN,

Plaintiff

v.

MCCONNELL VALDES, LLC;
ANTONIO A. ARIAS-LARCADA, his wife
MRS. ARIAS, and the Conjugal Partnership
composed by them;
JOSE IRIZARRY-CASTRO;
JOHN DOE; MARY DOE
UNKNOWN INSURANCE COMPANY;

Defendants

CIVIL NO.: 24cv01136(SCC)

**DEFENDANTS' OPPOSITION TO DOCUMENT NUMBER 133, PLAINTIFF'S
"MOTION UNDER FED.R.CIV.P. 72(a) TO FILE SPECIFIC WRITTEN
OBJECTIONS TO THE MAGISTRATE JUDGE'S ORDER AND TO SEEK AN
ORDER TO SET ASIDE OR MODIFY THE MAGISTRATE JUDGE'S ORDER"**

TO THE HONORABLE COURT:

NOW APPEAR co-defendants Antonio Arias Larcada, his wife María Beale, and the Conjugal Partnership constituted between them, and McConnell Valdés, LLC., through their undersigned counsel, and very respectfully state and pray as follows:

1. It has now been nearly nine (9) months since the Court first ordered the Plaintiff to travel to Puerto Rico for a mental and physical examination in this case. See Dkt. No. 45. During this astonishingly extended period, the Court has repeatedly made clear that the Plaintiff's must come to Puerto Rico for the examination, see, e.g., Dkt. No. 69 ("the medical examination will not be

performed in Vermont” as requested by the plaintiff) and Dkt. No. 81. Nevertheless, the Plaintiff has obstinately resisted the Court’s orders, filing motion after motion (including a Motion for Change of Venue), at times repeating his various claims of debilitating illness impeding his ability to travel, at other times claiming conflicting responsibilities in his business with the State of Vermont. See, e.g., Dkts. No. 47, 57, 62, 63, 65, 66, 68, 96, 100, 102, 112, 114, 125, 127, 133 and 135. Even after his counsel was specifically instructed by Hon. Judge Carreño during a hearing back in November of 2024 that his client would have to travel to Puerto Rico, the Plaintiff has continued to refuse and resist, ultimately prompting the appearing defendants to file a Motion to Compel (Dkt. No. 92).

2. On April 30, 2025, U.S. Magistrate Judge Marshall Morgan granted our Motion to Compel and ordered the Plaintiff to appear in person for the Court-ordered mental and physical examination during the month of May but no later than May 31, 2025, “or face sanctions, including the dismissal of his complaint” (Dkt. No. 130).
3. In response, and glossing over the fact that Judge Carreño herself has at least twice made clear that the Plaintiff must come to Puerto Rico for the examination, the Plaintiff has now filed a 54-page pleading entitled “Motion under Fed.R.Civ.P. 72(a) to file Specific Written Objections to the Magistrate Judge’s Order and to Seek an Order to Set Aside or Modify the Magistrate Judge’s Order” (Dkt. No. 133, amended at Dkt. No. 135). In a move obviously designed to further delay proceedings and avoid compliance with the Court’s

clear and unambiguous orders, Plaintiff once again claims the examination is “unnecessary” and “irrelevant”, repeats his litany of allegedly travel-preventing illnesses and adds that he has an important public hearing on May 21, 2025¹, that he must attend in Vermont.

4. The appearing defendants do not wish to further debate this matter or expend valuable Court resources with a lengthy response. Suffice it to say that enough is enough. The record is clear. The defendants have been attempting for the last nine (9) months to schedule the plaintiff’s mental and physical examination in Puerto Rico, and the plaintiff has been ordered to comply at least four (4) times, to no avail. The Plaintiff’s stubborn resistance, in open defiance of the Court’s orders, repeating the same claims he has been making for the last nine (9) months, evinces blatant gamesmanship and should not be tolerated. His Motion should be swiftly and summarily denied.

WHEREFORE, it is respectfully requested that the Honorable Court deny the Plaintiff’s “Motion under Fed.R.Civ.P. 72(a) to file Specific Written Objections to the Magistrate Judge’s Order and to Seek an Order to Set Aside or Modify the Magistrate Judge’s Order” (Dkt. No. 133, amended at Dkt. No. 135).

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 12th day of May, 2025.

I HEREBY CERTIFY that on this 12th day of May, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all the counsel of record.

¹After attempting unsuccessfully to confirm dates for the examination with Plaintiff’s counsel, the appearing defendants Noticed it for May 21st and 23rd, 2025, at the Department of Psychiatry, Ramón Ruiz Arnau University Hospital, Bayamón, Puerto Rico, before Dr. José A. Franceschini (Dkt. No. 132).

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